

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

RAFAEL ROSA, III,)
Plaintiff,)
v.) No. 2:22-cv-00078-JPH-MJD
CENTURION HEALTH OF INDIANA, LLC,)
CUPP Nurse, R.N.,)
THERESA BRADLEY Nurse,)
Defendants.)

ORDER DISMISSING ACTION

Magistrate Judge Dinsmore recommended that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for Plaintiff Rafael Rosa's repeated failure to comply with the Court's orders. Dkt. 119. Specifically, Magistrate Judge Dinsmore recommended that the case be dismissed based on the following: (1) Mr. Rosa failed to maintain regular communication with his recruited counsel, causing them to seek withdrawal from the case; (2) Mr. Rosa failed to appear at a hearing to discuss his counsel's motion to withdraw; and (3) Mr. Rosa failed to appear at a hearing to show cause why he should not be sanctioned for his previous failure to appear. There has not been any objection to the report and recommendation or any motion to substitute.

The Court **adopts** Magistrate Judge Dinsmore's report and recommendation, dkt. [119], in whole. *See Cartwright v. Silver Cross Hospital*, 962 F.3d 933, 936 (7th Cir. 2020) (affirming dismissal of case as a sanction

after plaintiff had repeatedly refused to engage with recruited counsel and demonstrated other contumacious conduct). This action is **DISMISSED with prejudice** pursuant to Rule 41(b). The pending motion for summary judgment, dkt. [102], is now **DENIED as moot**. The **clerk is directed** to enter final judgment consistent with this order.

SO ORDERED.

Date: 9/9/2024

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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